

Assembly Bill No. 1679

CHAPTER 810

An act to amend Sections 13, 302, 321, 1303, 2187, 2194, 4101, 6086, 6201, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of, and to repeal Sections 6022, 6083, 6084, 6085, 6202, 6203, and 6204 of, the Elections Code, relating to elections.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1679, Committee on Elections, Redistricting and Constitutional Amendments. Elections: procedures and the Democratic Presidential Primary.

(1) Existing law defines a “ballot card” and specifies the procedures that apply, and do not apply, to separate write-in ballots used in an election in which a punchcard voting system is used.

This bill would make a technical change by updating an applicable statutory cross-reference in this provision.

(2) Existing law requires, generally, that a general election of special district governing board members be held on a specified date in November of each odd-numbered year, unless the principal act of the district provides that the election shall be held on another date set forth in specified code sections.

This bill would make a technical change by updating an applicable statutory cross-reference in this provision.

(3) Existing law defines the term “elector” to include any person who is a United States citizen 18 years of age or older and a resident of an election precinct at least 29 days prior to an election.

This bill would make a technical change by instead requiring residency 15 days prior to an election.

(4) Existing law requires counties to send certain voter registration data to the Secretary of State in accordance with a specified schedule. It requires the data to be sent not less than 10 days prior to the primary election or general election with respect to voters registered before the 28th day prior to the primary election or general election, respectively, among other things. Existing law, however, allows voters to register up to the 14th day prior to an election.

This bill would make a technical change by instead requiring the data to be sent not less than 7 days prior to the primary or general election with

respect to voters registered before the 14th day prior to the primary or general election.

(5) Existing law requires that specified voter registration card information, including the voter's home address, be confidential and not be made routinely available to the public. Disclosure of the voter's home address may be made for limited purposes, including whenever a person's vote is challenged pursuant to specified provisions of law.

This bill would make a technical change by updating certain applicable statutory cross-references in this provision.

(6) Existing law permits a voter to write the name of a candidate for any public office on the ballot of an election, with certain requirements.

This bill would make technical changes by updating applicable statutory cross-references in these provisions.

(7) Existing law requires the elections official, for a mail ballot election, to mail the combined sample ballot and mail ballot during a specified time period before the election, notwithstanding specified statutory provisions.

This bill would make a technical change by updating certain applicable statutory cross-references in this provision.

(8) Existing law provides certain procedures relating to conducting the Democratic Presidential Primary, including procedures relating to the selection of delegates to represent the state at the national convention of the Democratic Party.

This bill would revise these procedures and delete certain requirements related to the selection of delegates.

(9) Existing law authorizes the Registrar-Recorder of the County of Los Angeles and the Registrar of Voters of Orange County, by county agreement, each to perform on behalf of the other duties relating to the conduct of an election of governing board members for any school district whose territory lies within both counties, where the election is consolidated with a primary, municipal, or general election under a specified provision of law.

This bill would make a technical change by updating an applicable statutory cross-reference in this provision.

(10) Existing law requires, under specified circumstances, that where an election called by the legislative body of a city is consolidated with an election held in the county in which the city is located, the canvass of the election be made in accordance with specified provisions of law.

This bill would make a technical change by updating a cross-reference to an applicable article of law in this provision.

(11) Existing law requires the elections official, on election day, to furnish to precinct officers specified precinct supplies, including instruction cards for voters containing specified provisions of law. It also



requires the elections official to supply a sufficient number of ink pens or pencils for the purpose of permitting voters to write in on the ballot the name of a candidate who has qualified to have his or her name counted under specified provisions of law.

(12) This bill would make technical changes by updating applicable statutory cross-references in these provisions.

(13) Existing law requires that, where the district attorney petitions the court for a public recount of ballots tabulated by a voting system, a specified provision of law requiring the computer vote count program be returned to the county elections official within specified time periods shall apply unless the court orders the program held pending the conclusion of litigation challenging the outcome of the election.

This bill would make a technical change by updating an applicable statutory cross-reference in this provision.

(14) Existing law requires the elections official, for a specified time period, to preserve certain records for certain federal elections, and for certain state or local elections, including an order appointing members of precinct boards and designating polling places as required by a specified provision of law.

This bill would make a technical change by updating an applicable statutory cross-reference in these provisions.

(15) Existing law provides that in the case of electrical failure or other emergency affecting a voting system, the elections official may direct that the ballots be marked by pencil or ink, and may duplicate the voted ballot cards as provided in a specified provision of law and count the voted ballots pursuant to a specified article of law.

This bill would make technical changes by updating applicable cross-references to a statutory provision and an article of law in this provision.

(16) This bill would incorporate additional changes in Section 2194 of the Elections Code proposed by SB 613, that would become operative only if SB 613 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

(17) This bill would incorporate additional changes in Section 14105 of the Elections Code proposed by AB 177, that would become operative only if AB 177 and this bill are both chaptered and become effective on or before January 1, 2004, and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 13 of the Elections Code is amended to read:

13. (a) No person shall be considered a legally qualified candidate for any office or party nomination for a partisan office under the laws of



this state unless that person has filed a declaration of candidacy or statement of write-in candidacy with the proper official for the particular election or primary, or is entitled to have his or her name placed on a general election ballot by reason of having been nominated at a primary election, or having been selected to fill a vacancy on the general election ballot as provided in Section 8806, or having been selected as an independent candidate pursuant to Section 8304.

(b) Nothing in this section shall be construed as preventing or prohibiting any qualified voter of this state from casting a ballot for any person by writing the name of that person on the ballot, or from having that ballot counted or tabulated, nor shall any provision of this section be construed as preventing or prohibiting any person from standing or campaigning for any elective office by means of a “write-in” campaign. However, nothing in this section shall be construed as an exception to the requirements of Section 15341.

(c) It is the intent of the Legislature, in enacting this section, to enable the Federal Communications Commission to determine who is a “legally qualified candidate” in this state for the purposes of administering Section 315 of Title 47 of the United States Code.

SEC. 2. Section 302 of the Elections Code is amended to read:

302. “Ballot card” means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles of one or more measures. The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write-in ballot is used. The separate write-in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. Determination of the format of a separate write-in ballot shall be within the discretion of the elections board. The separate write-in ballot shall provide a blank space followed by the word “office” and a second blank space followed by the word “name” for purposes of facilitating write-in votes for offices for which write-in votes may be cast, or may provide a space for writing in the name followed by a space for punching or slotting in order that the vote may be tabulated. All separate write-in ballots may, in the discretion of the elections board, have attached thereto two stubs that comply with Section 13261 regarding the stubs attached to a ballot card, except that the information required under subdivisions (c) through (g) of Section 13261 and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write-in ballot and not upon a stub. Any serial numbers appearing on the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 13002 through 13007 shall not apply to the



preparation and composition of separate write-in ballots authorized by this section. Sections 14403 and 14404 shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used.

SEC. 3. Section 321 of the Elections Code is amended to read:

321. “Elector” means any person who is a United States citizen 18 years of age or older and a resident of an election precinct at least 15 days prior to an election.

SEC. 4. Section 1303 of the Elections Code is amended to read:

1303. (a) Unless the principal act of a district provides that an election shall be held on one of the other dates specified in Chapter 1 (commencing with Section 1000) of Division 1, or except as provided in Section 1500, or except as provided in subdivision (b), a general district election to elect members of the governing board shall be held in each special district subject to Division 10 (commencing with Section 10000) on the first Tuesday following the first Monday in November of each odd-numbered year.

(b) Notwithstanding any other provision of law, a governing body of a special district may require, by resolution, that its elections of governing body members be held on the same day as the statewide general election. The resolution shall become operative upon the approval of the board of supervisors pursuant to Section 10404.

SEC. 5. Section 2187 of the Elections Code is amended to read:

2187. (a) Each county elections official shall send to the Secretary of State, in a format described by the Secretary of State, a summary statement of the number of voters in the county. The statement shall show the total number of voters in the county, the number registered as affiliated with each qualified political party, the number registered in nonqualified parties, and the number who declined to state any party affiliation. The statement shall also show the number of voters, by political affiliations, in each city, supervisorial district, Assembly district, Senate district, and congressional district located in whole or in part within the county.

(b) The Secretary of State, on the basis of the statements sent by the county elections officials and within 30 days after receiving those statements, shall compile a statewide list showing the number of voters, by party affiliations, in the state and in each county, city, supervisorial district, Assembly district, Senate district, and congressional district in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(c) Each county that uses data processing equipment to store the information set forth in the affidavit of registration shall send to the Secretary of State one copy of the magnetic tape file with the information



requested by the Secretary of State. Each county that does not use data processing storage shall send to the Secretary of State one copy of the index setting forth that information.

(d) The summary statements and the magnetic tape file copy or the index shall be sent at the following times:

(1) On the 135th day before each presidential primary and before each direct primary, with respect to voters registered on the 154th day before the primary election.

(2) Not less than 50 days prior to the primary election, with respect to voters registered on the 60th day before the primary election.

(3) Not less than 7 days prior to the primary election, with respect to voters registered before the 14th day prior to the primary election.

(4) Not less than 50 days prior to the general election, with respect to voters registered on the 60th day before the general election.

(5) Not less than 7 days prior to the general election, with respect to voters registered before the 14th day prior to the general election.

(6) On or before March 1 of each odd-numbered year, with respect to voters registered as of February 10.

(e) The Secretary of State may adopt regulations prescribing the content and format of the magnetic tape file or index referred to in subdivision (c) and containing the registered voter information from the affidavits of registration.

(f) The Secretary of State may adopt regulations prescribing additional regular reporting times, except that the total number of reporting times in any one calendar year shall not exceed 12.

(g) The Secretary of State shall make the information from the magnetic tape files or the printed indexes available, under conditions prescribed by the Secretary of State, to any candidate for federal, state, or local office, to any committee for or against any proposed ballot measure, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly or political research, or governmental purposes as determined by the Secretary of State.

SEC. 6. Section 2194 of the Elections Code is amended to read:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall be provided with respect to any voter, subject to the provisions of Section 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for



election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(b) The home address of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or 14240 to 14253, inclusive. The address shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(c) A governmental entity, or officer or employee thereof, may not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

SEC. 7. Section 2194 of the Elections Code is amended to read:

2194. (a) The voter registration card information identified in subdivision (a) of Section 6254.4 of the Government Code:

(1) Shall be confidential and shall not appear on any computer terminal, list, affidavit, duplicate affidavit, or other medium routinely available to the public at the county elections official's office.

(2) Shall be provided with respect to any voter, subject to the provisions of Section 2188, to any candidate for federal, state, or local office, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State.

(b) Notwithstanding any other provision of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to voter registration records to comply with the requirements of the Help America Vote Act of 2002 (P.L. 107-252), are confidential and shall not be disclosed to any person.

(c) The home address of any voter shall be released whenever the person's vote is challenged pursuant to Sections 15105 to 15108, inclusive, or 14240 to 14253, inclusive. The address shall be released only to the challenger, to elections officials, and to other persons as necessary to make, defend against, or adjudicate the challenge.

(d) A governmental entity, or officer or employee thereof, may not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

SEC. 8. Section 4101 of the Elections Code is amended to read:

4101. Notwithstanding Sections 13300 and 13303, the elections official shall not commence to mail the combined sample ballot and mail ballot prior to the 29th day before the election and shall complete the mailing by the 10th day before the election.



SEC. 9. Section 6022 of the Elections Code is repealed.

SEC. 10. Section 6083 of the Elections Code is repealed.

SEC. 11. Section 6084 of the Elections Code is repealed.

SEC. 12. Section 6085 of the Elections Code is repealed.

SEC. 13. Section 6086 of the Elections Code is amended to read:

6086. On a day specified by the Democratic State Central Committee preceding the presidential primary election, at 3 p.m., the caucus chairperson in each congressional district shall convene a caucus for the purpose of electing potential delegates and alternate delegates. The steering committee of each candidate or uncommitted delegation shall have sole authority to establish rules and procedures, including the naming of caucus chairpersons, by which the caucuses of that candidate or uncommitted delegation shall be conducted. The rules and procedures shall be uniform statewide, and in compliance with the Democratic State Central Committee's delegate selection and affirmative action plan. Each caucus shall elect a slate of delegate nominees in each congressional district pursuant to Article 2 (commencing with Section 6020), ranked in the manner specified by this section. The slate shall be transmitted to the steering committee of each candidate and uncommitted delegation.

Each participant at each caucus shall reside in, and be a registered Democrat of, the congressional district of the caucus he or she attends and each shall sign a statement of support for that presidential candidate or uncommitted delegation. Within five days after the convening of the caucus, the steering committee of each candidate or uncommitted delegation shall rank the delegate candidates from the slate of delegate candidates provided by each caucus pursuant to procedures in compliance with the Democratic State Central Committee's delegate selection and affirmative action plan. Immediately thereafter, the chairperson of a steering committee shall file with the Secretary of State a statement containing the names of delegate candidates in ranked order from each congressional district. In all cases, the slate for each congressional district shall be equal to the number of delegates and alternate delegates allotted to each congressional district pursuant to Section 6023.

SEC. 14. Section 6201 of the Elections Code is amended to read:

6201. (a) District level delegate positions shall be allocated to presidential preferences through a primary proportional representation system.

(b) The 241 district-level delegates and 40 alternates shall be elected by preprimary caucuses to slate delegates followed by a presidential preference primary.



(1) The preprimary caucuses shall be conducted on a date and time specified by the Democratic State Central Committee.

(2) The presidential preference primary shall be conducted on the date provided by Section 1202.

(c) The 241 delegates and 40 alternates shall be apportioned to districts based on a formula giving equal weight to the vote for the Democratic candidates in the most recent presidential and gubernatorial elections.

(d) (1) An individual may qualify as a candidate for district-level delegate or alternate to the Democratic National Convention by filing a statement of candidacy and pledge of support with the state chair at the party office at 1401 21st Street, Suite 100, Sacramento, California 95814. Statements can be requested from the state party beginning on a date specified by the Democratic State Central Committee. Candidacy statements can be returned beginning at a date and time specified by the Democratic State Central Committee and must be received by the party office no later than a date and time specified by the Democratic State Central Committee.

(2) All delegate candidates shall be identified as to presidential preference, uncommitted or unpledged status at all levels which determine presidential preference.

(e) The California primary election is a “binding” primary. Accordingly, delegate and alternate positions shall be allocated so as to fairly reflect the expressed presidential or uncommitted status of the primary voters in each district. Therefore, the national convention delegates elected at the district level shall be allocated in proportion to the percentage of the primary vote won in that district by each preference, except that preferences falling below a 15 percent threshold shall not be awarded any delegates or alternates.

(f) If no presidential preference reaches a 15 percent threshold, the threshold shall be the percentage of the vote received at each level of the delegate selection process by the front-runner minus 10 percent.

(g) Presidential candidates shall certify their authorized representatives to the state party chair by a date and time specified by the Democratic State Central Committee. The state party chair shall convey to the presidential candidate, or that candidate’s authorized representative or representatives, by a date and time specified by the Democratic State Central Committee, a list of all persons who have filed for delegate or alternate pledged to that presidential candidate. Each presidential candidate, or that candidate’s authorized representative or representatives, shall file with the state party chair by a date and time specified by the Democratic State Central Committee, a list of all the candidates he or she has approved, provided that approval is given to at



least three times the number of candidates for delegate and three times the number of candidates for alternates to be selected. Failure to respond shall be deemed approval of all delegate and alternate candidates submitted to the presidential candidate unless the presidential candidate, or the candidate's authorized representative or representatives, signifies otherwise in writing to the state party chair no later than a date specified by the Democratic State Central Committee.

(h) Candidate and uncommitted caucuses shall be held on a date and time specified by the Democratic State Central Committee to elect a slate of potential delegates equal to at least the number of delegates plus alternates allocated to the congressional district. The California delegation shall be equally divided between delegate men and delegate women, and alternate men and alternate women. These goals apply to the California delegation as a whole. Delegates and alternates shall be considered separate groups for purposes of achieving equal division.

Provisions for achieving equal division at the district level shall be as follows: Each candidate and uncommitted caucus shall elect a slate of potential delegates equal to at least the number of delegates plus alternates allocated to that congressional district. Potential delegates shall be ranked pursuant to procedures in compliance with the Democratic State Central Committee's delegate selection and affirmative action plan. Following the primary, delegate and alternate positions allocated to a presidential candidate or uncommitted delegation shall be filled from the list of ranked potential delegates in the order in which they are ranked.

(i) The State Democratic Chair shall certify in writing to the Secretary of the Democratic National Committee (DNC) the election of the state's district level delegates and alternates to the Democratic National Convention within three days after their election.

SEC. 15. Section 6202 of the Elections Code is repealed.

SEC. 16. Section 6203 of the Elections Code is repealed.

SEC. 17. Section 6204 of the Elections Code is repealed.

SEC. 18. Section 10405 of the Elections Code is amended to read:

10405. Notwithstanding any other provision of law, the Registrar-Recorder of the County of Los Angeles and the Registrar of Voters of Orange County may, pursuant to agreement between those counties, perform, either on behalf of the other, any and all duties relating to the conducting of the election, the counting of votes, and any other election procedures to the extent that those duties are for the conduct of an election of governing board members for any school district whose territory lies within both the County of Los Angeles and Orange County, pursuant to the consolidation of that election with a primary, municipal, or general election under Sections 1302 and 10404.5.



SEC. 19. Section 10411 of the Elections Code is amended to read:

10411. In case of the consolidation of any election called by the legislative body of a city, district or other political subdivision with an election held in the county or counties in which the city, district or other political subdivision is situated, the governing body of the city, district or other political subdivision may authorize the board of supervisors to canvass the returns of the election. If this authority is given:

(a) The election shall be held in all respects as if there were only one election.

(b) Only one form of ballot shall be used.

(c) The returns of the election need not be canvassed by the legislative body of the authorizing city, district or other political subdivision.

If such authority is given to the board of supervisors, the canvass shall be made in accordance with Article 1 (commencing with Section 15300) of Chapter 4 of Division 15.

SEC. 20. Section 14105 of the Elections Code is amended to read:

14105. The elections official shall furnish to the precinct officers all of the following:

(a) Printed copies of the indexes.

(b) Necessary printed blanks for the roster, tally sheets, lists of voters, declarations, and returns.

(c) Envelopes in which to enclose returns.

(d) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.

(e) A digest of the election laws with any further instructions the county elections official may desire to make.

(f) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place on election day.

(g) A ballot container, properly marked on the outside indicating its contents.

(h) When it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside, indicating their contents.

(i) Sufficient ink pads and stamps for each booth. The stamps shall be one solid piece and shall be made so that a cross (+) may be made with either end. If ballots are to be counted by vote tabulating equipment, an adequate supply of other approved voting devices shall be furnished. All voting stamps or voting devices shall be maintained in good usable condition.



(j) When a candidate or candidates have qualified to have his or her or their names counted pursuant to Article 3 (commencing with Section 15340) of Chapter 4 of Division 15, a sufficient number of ink pens or pencils in the voting booths for the purpose of writing in on the ballot the name of the candidate or candidates.

(k) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about his or her precinct location. The card shall state that the voter may call collect during polling hours.

(l) An identifying badge or insignia for each member of the precinct board. The member shall print his or her name and the precinct number thereon and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.

(m) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.

(n) Sufficient copies of the notices to be posted on the indexes used at the polls. The notice shall read as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297 of the Elections Code. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."

(o) A roster of voters for each precinct in the form prescribed in Section 14107.

(p) In addition, the elections official may, with the approval of the board of supervisors, furnish the original books of affidavits of registration or other material necessary to verify signatures to the precinct officers.

This section shall become operative on January 1, 1990.

SEC. 21. Section 14105 of the Elections Code is amended to read: 14105. The elections official shall furnish to the precinct officers all of the following:

(a) Printed copies of the indexes.

(b) Necessary printed blanks for the roster, tally sheets, lists of voters, declarations, and returns.

(c) Envelopes in which to enclose returns.

(d) Not less than six nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions



of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.

(e) A digest of the election laws with any further instructions the county elections official may desire to make.

(f) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place on election day.

(g) A ballot container, properly marked on the outside indicating its contents.

(h) When it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside, indicating their contents.

(i) Sufficient ink pads and stamps for each booth. The stamps shall be one solid piece and shall be made so that a cross (+) may be made with either end. If ballots are to be counted by vote tabulating equipment, an adequate supply of other approved voting devices shall be furnished. All voting stamps or voting devices shall be maintained in good usable condition.

(j) When a candidate or candidates have qualified to have his or her or their names counted pursuant to Article 3 (commencing with Section 15340) of Chapter 4 of Division 15, a sufficient number of ink pens or pencils in the voting booths for the purpose of writing in on the ballot the name of the candidate or candidates.

(k) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about his or her precinct location. The card shall state that the voter may call collect during polling hours.

(l) An identifying badge or insignia for each member of the precinct board. The member shall print his or her name and the precinct number thereon and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.

(m) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.

(n) Sufficient copies of the notices to be posted on the indexes used at the polls. The notice shall read as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297 of the Elections Code. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."



(o) A roster of voters for each precinct in the form prescribed in Section 14107.

(p) In addition, the elections official may, with the approval of the board of supervisors, furnish the original books of affidavits of registration or other material necessary to verify signatures to the precinct officers.

(q) Printed copies of the Voter Bill of Rights, as supplied by the Secretary of State. The Voter Bill of Rights shall be conspicuously posted both inside and outside every polling place.

This section shall become operative on January 1, 1990.

SEC. 22. Section 15641 of the Elections Code is amended to read:

15641. Section 15001 shall apply unless a court orders the program held pending the conclusion of litigation challenging the outcome of an election. If court action or an official recount is initiated while the program is on deposit, the Secretary of State shall make the program available to the court or the elections official in whose jurisdiction the court action or recount takes place, upon written request.

SEC. 23. Section 17502 of the Elections Code is amended to read:

17502. (a) The following provisions shall apply to those elections where candidates for one or more of the following offices are voted upon: President, Vice President, United States Senator, and United States Representative.

(b) The elections official shall preserve the following records reflecting the appointment of precinct officials until 22 months from the date of any election.

(1) Precinct officers' declaration of intention required by Section 12321.

(2) Precinct board member applications specified in Section 12300.

(3) Order appointing members of the several precinct boards and designating the polling places specified in Section 12286.

(4) Nominations for appointment to the precinct board by the county central committee of each qualified political party specified in Section 12306.

(5) Written orders appointing precinct board members or designating the polling place for the precinct pursuant to Section 12327.

SEC. 24. Section 17503 of the Elections Code is amended to read:

17503. (a) The following provisions shall apply to all state or local elections not provided for in subdivision (a) of Section 17502. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.



(b) The elections official shall preserve the following records reflecting the appointment of precinct officials until six months from the date of an election.

(1) Precinct officers' declaration of intention required by Section 12321.

(2) Precinct board member applications specified in Section 12300.

(3) Order appointing members of the several precinct boards and designating the polling places specified in Section 12286.

(4) Nominations for appointment to the precinct board by the county central committee of each qualified political party specified in Section 12306.

(5) Written orders appointing precinct board members or designating the polling place for the precinct pursuant to Section 12327.

SEC. 25. Section 19005 of the Elections Code is amended to read:

19005. In the case of electrical failure or other emergency, the official conducting the election may direct that ballots may be marked by pencil or ink. In that event, the elections official may duplicate the voted ballot cards as provided in Section 15210 and count the duplicate ballots by automatic tabulating device, or may count the voted ballots pursuant to Article 5 (commencing with Section 15270) of Chapter 3 of Division 15.

SEC. 26. Section 7 of this bill incorporates amendments to Section 2194 of the Elections Code proposed by both this bill and SB 613. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 2194 of the Elections Code, and (3) this bill is enacted after SB 613, in which case Section 6 of this bill shall not become operative.

SEC. 27. Section 21 of this bill incorporates amendments to Section 14105 of the Elections Code proposed by both this bill and AB 177. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2004, (2) each bill amends Section 14105 of the Elections Code, and (3) this bill is enacted after AB 177, in which case Section 20 of this bill shall not become operative.

